

**COUNTY OF SAN DIEGO, CALIFORNIA**  
**BOARD OF SUPERVISORS POLICY**

**Subject**

Vocational Rehabilitation Management Program

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**Purpose**

- 1.To provide comprehensive Vocational Rehabilitation services to the County workforce in order to reduce fiscal and human resource losses associated with injured workers who are unable to return to their usual and customary occupation.
- 2.To meet the provisions of Sections 139.5 and 6200 of the California Labor Code, which mandate Vocational Rehabilitation services for the industrially-injured worker; Sections 503 and 504 of the Federal Rehabilitation Act of 1973, which establishes affirmative action non-discriminating employment practices; the California Fair Employment Housing Act which prohibits discrimination in employment on the basis of either physical disability or medical condition; and Title 1 of the Americans with Disabilities Act (ADA) which prohibits discrimination against a qualified individual with a disability.
- 3.To reduce fiscal and human resource losses associated with the County's Injury Leave benefit, Safety Member Injury Leave benefit (Labor Code Section 4850), service-connected retirements under the California Retirement System Act of 1937, and the County's Unemployment Insurance Program, by offering modified/alternative County employment to the permanently disabled worker.
- 4.To provide for the overall administration of the Vocational Rehabilitation Management Program.

**Background**

In 1974, the State of California became the first state to enact a mandatory Vocational Rehabilitation benefit as an integral part of its Workers' Compensation Law. This benefit which became effective January 1, 1995, is designed to assist the disabled worker to re-enter the labor market and become an active, contributing member of society.

Fiscal and human resource losses are incurred when industrially-injured workers are unable to return to their usual and customary occupations and these losses have risen dramatically over the last few years as industrially-injured workers are unable to re-enter the labor market. Reduced productivity, lost time, or premature and unnecessary retirement, equate to millions of dollars which are drained from County operating budgets annually.

In response to these escalating costs, the Board of Supervisors, through the Chief Administrative Officer, directed, on February 1, 1979, administrative policy establishing the creation of the Vocational Rehabilitation Management Program. The Vocational

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Rehabilitation administrator, under the direction of the Department of Human Resources, will serve as staff to the County Administrative Officer.

**Policy**

It is the policy of the Board of Supervisors that:

- 1.The County of San Diego affirms its commitment to provide Comprehensive Vocational Rehabilitation Services to assist qualified injured workers and qualified individuals with a disability in the process of returning to work for the County or obtaining other suitable, gainful employment (pursuant to Sections 139. and 6200 of the California Labor Code) and ADA.
- 2.The County of San Diego will make every effort to retain industrially-injured, permanently-disabled employees in County services, in lieu of unnecessary and/or premature Disability Retirement.
- 3.The County of San Diego will have a modified/alternative work program which will enable the industrially-injured worker to return to County Service whenever indicated by medical opinion. All appointing authorities will cooperate in the timely identification, transfer, and placement of qualified injured workers to appropriate County job classifications.
- 4.This policy applies to all County Departments. Each department shall assist and support the Vocational Rehabilitation Management effort by allowing the disabled employee access to transfers, job modification, job restructuring and other accommodations.
- 5.The Board and the Chief Administrative Officer recognize that the County workforce will be viewed and promoted in terms of ability and not disability when planning Vocational Rehabilitation services.

**Sunset Date**

This policy will be reviewed for continuance by 12-31-01.

**Reference**

Sections 503 and 504, Federal Rehabilitation Act of 1973.

Sections 138.4, 139.5, 139.6, 4635-4647, 5307.3 and 6200 of the California Labor Code.

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8 adm C 10001 - C 10021 and 10122-10133.1 of the California Labor Code.

SCIF vs. WCAB (Slotten) 88 CAL 3rd 43 (1979).

County of San Diego Board Policy B-40, C-17, M-21.

Title I, Americans with Disabilities Act

California Fair Employment and Housing Act

Board Action

2-1-79 (6)

10-16-79 (65)

11-6-84 (28)

4-4-95 (28)

CAO Reference

1. Department of Human Resources